IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3500 OF 2005

Shri.Sreemohan D.Mundra
and Ors. ..Applicants

Vs.

M/s.M.G.Construction Co.
& Anr. ..Respondents

...

Mr.A.P.Mundergi with Mr.Subodh Desai
Advocate for Applicants
Mr.Anil K.Lulla for Respondent no.1
Mr.Y.S.Shinde A.P.P. for the State

...

WITH

CRIMINAL APPLICATION NO.3501 OF 2005

Simplex Concrete Piles (I)
Ltd. and Ors. ..Applicants

Vs.

M/s.M.G.Construction Co.
& Anr. ..Respondents

...

Mr.A.P.Mundergi with Mr.Subodh Desai
Advocate for Applicants
Mr.Anil K.Lulla for Respondent no.1
Ms.S.V.Gajare, A.P.P. for the State

...

WITH

CRIMINAL APPLICATION NO.3502 OF 2001

Shri.Rajeev Mundra
and Or. ..Applicants

Vs.

M/s.M.G.Construction Co.
& Anr. ..Respondents

...

Mr.A.P.Mundergi with Mr.Subodh Desai
Advocate for Applicants
Mr.Anil K.Lulla for Respondent no.1
Mr.V.B.Konde-Deshmukh A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 2,2005

P.C.

1. Heard the learned advocate for the applicants, learned advocate for the respondent no.1 and the learned A.P.P. for the State in all the three matters.

2. The applicants are seeking quashing of proceedings relating to Criminal Case No.1159/SS/2005 pending before the learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai. In the said case, process has been issued against the applicants under Section 138 r.w. 141 of Negotiable Instruments Act. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set

aside. It is further submitted that if the process issued against the applicants is set aside, the proceedings in respect of the applicants, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, ad-interim relief granted by this Court shall stand extended for a period of four weks from today.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]